UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

May 23, 2011

Kristen Larson
Project Funding and Agreements Coordinator
City of Seattle Human Services Department
CDBG Administration Unit
P.O. Box 34215
Seattle, Washington 98124-4215

Re: U.S. Environmental Protection Agency (EPA) Comments on the Yesler Terrace Redevelopment Project (Project) Final Environmental Impact Statement (FEIS). (EPA Project Number: 10-029-HUD)

Dear Ms. Larson:

The EPA has reviewed the Yesler Terrace Redevelopment Project FEIS and we are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

We appreciate your responsiveness to our scoping and Draft EIS (DEIS) recommendations. Your efforts to respond to our own as well as others' recommendations are apparent in the substantial changes that have occurred between the DEIS and the FEIS. For example, you have accounted for our recommendation for additional construction air quality mitigation by changing the mitigation measure, "Require all off-road equipment to have emission reduction equipment (e.g., require participation in Puget Sound Region Diesel Solutions, a program designed to reduce air pollution from diesel, by project sponsors and contractors)." from Other Possible Mitigation Measures to Proposed/ required. The new mitigation measure, "SHA could incorporate the use of additional filters on building air intake units to partially reduce exterior-to-interior infiltration of particulate matter." is responsive to our recommendation to consider additional mitigation for Toxic Air Pollutants.

While some of our recommendations - such as those referenced above - covered mitigation measures themselves, our primary recommendation for the FEIS was related to linking mitigation measures to monitoring plans and programs. We recommended the FEIS "...describe or incorporate by reference a monitoring plan or program to ensure that mitigation measures are implemented and effective." The FEIS is responsive to this recommendation by identifying the Record of Decision (ROD) and the Yesler Terrace Planned Action Ordinance (PAO) as key mechanisms to ensure implementation of mitigation measures.

Although the FEIS represents substantial progress on developing mitigation measures, and identifying the mechanisms for ensuring implementation, we remain concerned about the full implementation of adequate mitigation measures to ensure that the Project's increased

density – up to roughly ten times the current density – is healthy, livable, affordable, viable and green. We believe the preferred alternative, Proposed/required mitigation measures and several Other Possible Mitigation Measures (if implemented) adequately address most of the Project Vision[1] and would be generally consistent with the HUD-DOT-EPA Interagency Partnership for Sustainable Communities' six livability principles.

We also believe, however, that without implementation of all or most of the FEIS's Other Possible Mitigation Measures the density and intensity of maximum implementation of the preferred alternative could result in a community that falls short of key livability/sustainability goals. The preferred alternative's possibility for particularly high density redevelopment presents inherent challenges for meeting the Project Vision of developing a neighborhood "...where anyone would want to live." and that fits "...naturally into the community." Consider also, more broadly, the STAR Community Index Sustainability Goal "Design for People" and the associated Purpose Statement "Create human-scale built environments that provide comfort, safety, accessibility and are pleasing to all human inhabitants."[2]

To overcome livability challenges associated with particularly high levels of density, quality design – key concepts of which are embodied in the FEIS's Other Possible Mitigation Measures - is required. The Other Possible Mitigation Measures which we believe are especially consistent with the quality design that would be required to (i) meet all of the Project Vision, (ii) be fully consistent with the HUD-DOT-EPA Interagency Partnership for Sustainable Communities' six livability principles, and, (iii) be consistent with other important expressions of sustainability goals such as the STAR Community Index are enclosed.

To increase the likelihood that mitigation measures overall and especially those listed in our enclosed comments, are implemented, we recommend the City and the SHA focus efforts on ensuring their thoughtful incorporation into the Record of Decision, re-zoning process and Planned Action Ordinance. We believe thoughtful and effective incorporation of mitigation measures into action forcing documents will depend on the level of foresight and specificity of relevant targets, thresholds, and, adaptive management elements. Phrases such as, "encourage", "could", and/or "to the extent feasible" should be minimized where possible.

EPA Region 10 would look forward to collaborating with the City and the SHA as you work through decisions to integrate the ROD with local decision making processes. Also, EPA's Office of Sustainable Communities has several resources relevant for this Project. Consider, for example, the 2009 publication, "Smart Growth Guidelines for Sustainable Design and Development"[3] Finally, EPA believes the City of Renton's Sunset Area Planned Action is a relevant and useful example. Consider, especially, Section III Monitoring and Review[4] and Attachment B[5].

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[1] http://seattlehousing.org/redevelopment/pdf/YT_Development_Plan_Draft.pdf
[2] http://www.ci.austin.tx.us/news/2011/downloads/star_goals_011211.pdf
[3] http://www.epa.gov/smartgrowth/sg_guidelines.htm
[4] http://www.rentonwa.gov/uploadedFiles/Business/EDNSP/projects/Sunset%20Area%20Planned%20Action%20Ord.pdf?n=4562
[5] http://www.rentonwa.gov/uploadedFiles/Business/CED/planning/2011/PAO%20Attachment%20B.pdf

Thank you for this opportunity to comment and if you have any questions or concerns please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov , or you may contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at peterson.erik@epa.gov.

Sincerely,

Christine B. Reichgott

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosed:
Other Possible Mitigation Measures which EPA Believes are Especially Consistent with Quality Urban design

OTHER POSSIBLE MITIGATION MEASURES WHICH EPA BELIEVES ARE ESPECIALLY CONSISTENT WITH QUALITY DESIGN

Energy – Climate Change and Greenhouse Gas Emissions

- Urban Agriculture – New P-patch Community Gardens and rooftop gardens could be provided within the site for residents to grow food. A farmer's market could be established for residents to sell locally grown food, and small micro-retail spaces and food vendor carts could also be allowed where value-added food products could be sold.
    - We further recommend that the SHA and City provide much greater specificity with regard to urban agriculture goals. Consider, for example, as noted in the Yesler Terrace Sustainable District Study, sizing community gardens according to criteria adopted by the City of Vancouver, Canada. Their guidelines state that 30% of the housing units should have access to garden plots that are a minimum of 3' by 8'.
- District Infrastructure Systems for Energy, Water, Waste and Heat
    - We recognize the substantial complexity involved in facilitating the development of district systems and recommend that the relevant standards (either in the ROD, the re-zone process or the PAO) include a detailed decision tree.
- Green building design requirements such as encouraging or requiring participation in the City of Seattle's Priority Green Permit program[6].
- Increased Energy Conservation Efforts.

Air Quality

- Incorporate the use of additional filters on building air intake units to partially reduce exterior-to-interior infiltration of particulate matter.

Water Resources

- Green Stormwater Infrastructure (GSI) would be developed for flow control and water quality treatment to the maximum extent feasible.
- If the combined sewer facilities, where construction de-watering would be discharged, are determined to be at capacity, additional construction de-watering storage with flow control could be provided.

Plants and Animals

- Exceed a 1:1 replacement ratio for all exceptional trees damaged or destroyed during construction activities. Also, meet or exceed a 1:1 ratio for valuable trees damaged or destroyed during construction activities.

Aesthetics

- Upper level building setbacks could be required for buildings above 65 to 85 feet in order to open the sky view from the street and create a less imposing physical building scale near the lower, offsite height and density zoning.
- Building façade lengths could be limited and minimum building spacing required above building heights of 65 feet to 85 feet to reduce the wall effect from tall buildings.

[6] http://www.seattle.gov/dpd/Permits/PriorityGreenPermitting/Overview/default.asp

- Maximum floor plate sizes could be established for high-rise buildings, similar to limits currently in place for residential towers in Downtown zones.
- Ground level building setbacks could be used for high-rise buildings to create a wider separation between lower and higher density zoning.
- Minimum ground and upper level building step backs could be required for buildings adjacent to the property lines of offsite parcels with considerably lower maximum building heights in order to provide separation between areas with lower density development.

Shadows

- Small open space areas could be located adjacent to streets in order to gain solar access from the street. Locations on the north side of east/west streets would be preferable. Secondary preferred locations would be on north/south streets on either side of the street, however locations on the east side of these streets would benefit the most during daylight saving time periods.
- Small open space areas adjacent to buildings could be located to the south, east or west sides of the buildings, with a southern location preferred.

Transportation

- Share office parking on weeknights and weekends.
- Unbundle parking from office leases.
- Provide for car-sharing programs.

Public Services – Solid Waste

- Accommodate onsite composting using various types of equipment, including earth bins and anaerobic digestion;
- Provide or encourage household composting units;
- Provide offsite composting after site collection; and/or,
- Expand urban agriculture on the site to utilize organic waste.

Wind

- Architectural devices such as screens, terraces, overhangs and horizontal fixed awnings at the lower levels of high-rise buildings over sidewalks and other pedestrian areas could be used to deflect and minimize downdrafts created by tall building facades, and to reduce wind speeds around the base building.
- High-rise building designs could be selected that incorporate an appropriate scale of the base building and the step back of middle (shaft) portion of the building to minimize downdrafts.
- Upper level building setbacks for high-rise buildings could be used to break up direct downdrafts coming from upper levels of building facades.
- High-rise buildings that are adjacent to open spaces could be located on the prevalent windward side of the open spaces, so down drafts created by building facades are not directed into open spaces.

- Appropriate height, spacing and orientation of high-rise buildings could be employed to minimize wind funneled between two adjacent buildings, which can accelerate wind speeds and cause a wind canyon effect.